

REMARKS

Applicant and the undersigned have carefully reviewed the first Office Action of May 20, 2003 in the above-identified U.S. patent application, in which the time for response is hereby extended for three months or until November 20, 2003. In response, the claims of the application have been amended. It is believed that the claims as currently pending are patentable over the prior art cited and relied on by the Examiner. Reexamination and reconsideration of the application, and allowance of the claims is respectfully requested.

In the first Office Action of May 20, 2003, the Examiner asserted that claims 1-12 were rejected. The undersigned has noted that the Response filed February 28, 2003 added new claims 9-11. Since the application as filed, included a claim 9, it is assumed that claims 9-11 presented February 28, 2003 were re-numbered claims 10-12. That numbering has been incorporated in this Amendment. The undersigned apologizes for the claim mis-numbering.

Original claims 1-9 have been cancelled. It is believed that such action renders the rejections of those claims moot.

Claims 10-12 were rejected under 35 U.S.C. 101 as not being supported by either a credible asserted utility or a well established utility. It is respectfully noted that claims 10-12, as well as newly presented claims 13-15 do not recite that the claimed invention is sustainable, non-surgical breast augmentation. While that is believed by the applicant to be the result of the process recited in claims 10-15, those claims do not

claim such a result. Thus it is believed that the rejection of claims 10-12 under 35 U.S.C. 101 should be withdrawn.

It is also respectfully requested that the rejection of claims 10-12 under 35 U.S.C. 112, first paragraph be withdrawn for the same reason. The claims now pending are directed to a method for treating human breast tissue. The claims do not specifically recite that the result is breast augmentation. While it is the applicant's belief that breast augmentation will result from the practicing of the claimed invention, the claims do not recite such a result.

Turning to the rejection of claims 10-12 under 35 U.S.C. 103(a) as being obvious over the Cayce reference, it is initially noted that Cayce, in its discussion of breast reduction, includes the use of alum. It is noted that the subject invention requires the use of cocoa butter in conjunction with Vitamin E. It is believed that it would not be obvious to one of skill in the art to modify the teachings of Cayce through the use of Vitamin E for the purposes of retention of the cocoa butter. As recited in the specification of the subject application, it is applicant's finding that without the use of the Vitamin E, the benefit derived from the application of cocoa butter are not long lasting.

Newly presented claims 13-15 are being submitted in an effort to provide applicant with the scope of claim protection to which she is believed to be entitled. These newly presented claims are believed to be supported by the specification of the application.

SUMMARY

Claims 1-9 have been cancelled. Claims 10 and 12 have been amended. New claims 13-15 have been added. Claim 11 has been carried forward. It is believed that the claims now pending in the subject application are patentable. Allowance of the claims, and forwarding of the application to issue is respectfully requested.

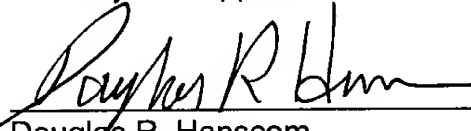
Respectfully submitted,

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Attorneys for Applicant

A handwritten signature in dark ink, appearing to read "Douglas R. Hanscom", is written over a horizontal line.

Douglas R. Hanscom

Reg. No. 26, 600

November 20, 2003
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